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CRUMP INSURANCE SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

v.

MICHAEL P. MCGRATH, an individual, ALL
RISKS, LTD., a corporation, and Does 1
through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**PLAINTIFF CRUMP INSURANCE
SERVICES, INC.'S APPLICATION TO
COMPEL DEFENDANT ALL RISKS,
LTD.'S SENIOR CORPORATE
OFFICER TO ATTEND
SETTLEMENT CONFERENCE**

Date: September 22, 2008
Time: 9:30 a.m.
Courtroom: A
Judge: Magistrate Joseph C. Spero

Plaintiff asks this Court to compel the attendance of a senior corporate officer of Defendant All Risks, Ltd. to attend the September 22, 2008 Settlement Conference. The Court has required the parties to attend a Settlement Conference represented by the person(s) with unlimited authority to negotiate the settlement. The Court's order states: "A person who needs to call another representative not present before agreeing to the settlement does not have full authority."

All Risks has identified Matt Nichols, its President, as the appropriate representative, and previously asked the Court to allow Mr. Nichols to participate telephonically at the Conference. Plaintiff opposed this request on the grounds that Mr. Nichols' personal attendance is necessary to ensure that the Conference is meaningful. After this Court denied Defendants' request to permit

1 Mr. Nichols to participate telephonically, Plaintiff again requested dates from Defendants when
2 Mr. Nichols would be available to attend in person. However, Defendants have refused to discuss
3 rescheduling the Settlement Conference, insisting that they will have an unnamed "company
4 representative" attend "with settlement authority."

5 To make the Settlement Conference effective, Crump is having its General Counsel attend
6 the conference from New York City. All Risks should have someone with equal authority and
7 who is not required to call someone at corporate offices. All Risks has already made it clear to
8 this Court that the appropriate person for attendance at the Conference is an officer from All
9 Risks' Baltimore, Maryland headquarters.

10 As such, Plaintiff asks the Court either to compel the attendance of a senior corporate
11 officer of All Risks to attend the September 22, 2008 Settlement Conference, whether it be Mr.
12 Nichols or All Risks' Chief Executive Officer, Nicholas Cortezi, or to require the parties to
13 schedule a new date when attendance by the appropriate corporate officers of all parties is
14 possible.

15 Dated: September 12, 2008

JACKSON LEWIS LLP

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18 By: 

19 Mark S. Askanas
20 Dylan B. Carp
21 Attorneys for Plaintiff
22 CRUMP INSURANCE SERVICES, INC.
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